

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PREMIER CAPITAL, L.L.C.,

Plaintiff,

Case No. 08-CV-11906

vs.

HON. GEORGE CARAM STEEH

HANNA KARCHO, and PACIFIC
XX,

Defendants.

/

ORDER DENYING PLAINTIFF'S MOTIONS FOR EARLY DISCOVERY AS MOOT

Plaintiff Premier Capital, L.L.C. (Premier) has filed a motion for early discovery to allow it to serve all of defendants' banks and brokerages with subpoenas for production of documents. Premier also has filed a motion for an expedited hearing on its motion for early discovery. On May 16, 2008, this Court entered an ex parte temporary restraining order which prohibits defendants Karcho and Pacific XX from, among other things, "damaging, transferring, destroying or concealing all personal property, inventory, equipment, accounts, records of accounts, accounts receivable contracts and other general intangibles, cash, cash equivalents and proceeds of any of the foregoing." The TRO also bars Karcho and Pacific XX from "transferring, withdrawing, closing, encumbering or otherwise impairing any of their deposit, financial and/or investment accounts, or the holdings within such accounts." That TRO was narrowly tailored in that it expressly allowed "that account withdrawals and expenditures for Defendants' ordinary, reasonable and necessary business and personal expenditures shall be permitted." Based on an

agreement of the parties, the TRO was extended on May 27, 2008.

On June 19, 2008, this Court held a hearing on plaintiff's motion for a preliminary injunction which this Court construed as a motion to extend the temporary restraining order because the parties had not conducted discovery. At that hearing, the Court modified the temporary restraining order and continued it. As part of that TRO, the Court ordered that discovery commence immediately and that defendants Karcho and Pacific XX must give a full accounting of all of their bank and brokerage accounts from the inception of the loan on or about October 12, 2004 to the present. The accounting must take place by virtue of the Court's order extending the TRO and defendant need not serve any discovery request to obtain the papers. The Court then scheduled plaintiff's motion for preliminary injunction for August 14, 2008 with the understanding that significant discovery will take place between now and then. Accordingly, Premier's motion for early discovery (Doc. #22) and motion for expedited hearing (Doc. #23) hereby are DENIED AS MOOT.

SO ORDERED.

Dated: June 20, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on June 20, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk